

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-CR-00253-RJC-DCK

USA

v.

MAURICE MOBLEY (4)

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ORDER

THIS MATTER is before the Court upon motion of the defendant for a time-served sentence based on the First Step Act of 2018, (Doc. No. 227), to which the government consents, (Doc. No. 232).

The defendant pled guilty to conspiring to possess with intent to distribute 50 grams or more of cocaine base and possessing a firearm in furtherance of a drug trafficking crime. (Doc. No. 110: Judgment at 1). Based on his classification as a career offender and the government's 21 U.S.C. § 851 notice, the advisory guideline range was an aggregate 420 months to life imprisonment and 10 years' supervised release. (Doc. No. 230: Supplemental Presentence Report at 1). The Court varied below the range and imposed an aggregate sentence of 360 months' imprisonment and 10 years' supervised release. (Doc. No. 110: Judgment at 2-3).

Under the First Step Act and decisions interpreting it by the United States Court of Appeals for the Fourth Circuit, the revised advisory guideline range, without the career offender enhancement, is 120 months for Counts One, 60 consecutive months for Count Six, and 8 years' supervised release. (Doc. No. 230:

Supplemental Presentence Report at 2). The defendant has approximately 187 credited months in the Bureau of Prisons (BOP), with few disciplinary actions and completion of self-improvement and vocational training programs. (Id. at 3). Therefore, the defendant seeks a sentence of time served followed by 8 years' supervised release. (Doc. No. 227: Motion at 1), to which the government consents, (Doc. No. 232: Response at 6).

In exercising its discretion under the First Step Act, the Court has considered the factors set forth in 18 U.S.C. § 3553(a), as well as the defendant's post-sentence conduct and the public's safety. Based on these factors, the Court finds that a reduction of the defendant's sentence would accomplish the goals of sentencing.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 227), is **GRANTED**, and the defendant's sentence is reduced to the time served on each count, plus up to 10 days for the BOP to process his release. The defendant's term of supervised release on Count One is reduced to 8 years. All other terms and conditions remain unchanged.

IT IS FURTHER ORDERED that, if the defendant is released from imprisonment without a residential plan accepted by the United States Probation Office (USPO), he shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the USPO, as a condition of supervised release.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: October 6, 2020

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

